

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC 2017 LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA, INC.
and SAMSUNG ELECTRONICS CO. LTD.

Defendants.

Civil Action No. 2:18-cv-508-JRG-RSP

**DECLARATION OF VALERIE W. HO IN SUPPORT OF
SAMSUNG'S *DAUBERT* MOTION TO EXCLUDE CERTAIN OPINIONS AND
TESTIMONY OF UNILOC'S DAMAGES EXPERT WALTER BRATIC**

I, Valerie W. Ho, hereby declare:

1. I am an attorney duly licensed to practice law in the State of California and am admitted to the United States District Court for the Eastern District of Texas. I am a shareholder of the law firm of Greenberg Traurig, LLP, attorneys of record for Defendants Samsung Electronics America, Inc. and Samsung Electronics Co., Ltd. (collectively, "Samsung") in the above-entitled action. I make this declaration in support of Samsung's *Daubert* Motion to Exclude Certain Opinions and Testimony of Uniloc's Damages Expert Walter Bratic. Unless otherwise stated, I have personal knowledge of the facts set forth in this declaration, and if called as a witness, could and would competently testify as set forth below.

2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 6,836,654, bearing Bates Nos. UNILOC_SAMSUNG-654_001 – 006.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Report of Walter Bratic and Justin R. Blok, dated February 18, 2020, and all exhibits to this report.

4. Attached hereto as Exhibit 3 is a true and correct copy of relevant excerpts from the transcript of the Deposition of Dr. Chuck Easttom, dated April 1 and 2, 2020.

5. Attached hereto as Exhibit 4 is a true and correct copy of the transcript of the Deposition of Walter V. Bratic, dated April 15 and 16, 2020 (“Bratic Deposition”).

6. Attached hereto as Exhibit 5 is a true and correct copy of the Rebuttal Expert Report of Robert L. Vigil, Ph.D., dated March 9, 2020, and all exhibits to this report.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Supplemental Expert Report of Walter Bratic, dated April 8, 2020, and all exhibits to this report.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Supplemental Rebuttal Expert Report of Robert L. Vigil, Ph.D., dated April 13, 2020, and all exhibits to this report.

9. Attached hereto as Exhibit 8 is a true and correct copy of a presentation titled [REDACTED] which bears Bates No. SamUniloc8_00219765 – 794. [REDACTED] The document references [REDACTED]

10. Attached hereto as Exhibit 9 is a true and correct copy of a chain of emails [REDACTED] which bears Bates Nos. SamUniloc8_00219805 – 814.

11. Attached hereto as Exhibit 10 is a true and correct copy of a document titled [REDACTED] which bears Bates Nos. PENDRELL_0006780 – 802 and was presented as Exhibit 12 at the Bratic Deposition.

12. Attached hereto as Exhibit 11 is a true and correct copy of a chain of emails [REDACTED], which bears Bates Nos. PENDRELL_00014094 – 097 and was presented as Exhibit 14 at the Bratic Deposition.

13. Attached hereto as Exhibit 12 is a true and correct copy of relevant excerpts from the Expert Report of Dr. William C. Easttom II (Chuck Easttom) Regarding Infringement of U.S. Patent No. 6,836,654, dated February 18, 2020.

14. Attached hereto as Exhibit 13 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00132620 – 735. Survey results are reported on SamUniloc8_00132653 – 654.

15. Attached hereto as Exhibit 14 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00042779 – 822. Survey results are reported on SamUniloc8_00042794.

16. Attached hereto as Exhibit 15 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00048085 – 196. Survey results are reported on SamUniloc8_00048094.

17. Attached hereto as Exhibit 16 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00049877 – 948. Survey results are reported on SamUniloc8_00049885.

18. Attached hereto as Exhibit 17 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00050229 – 256. Survey results are reported on SamUniloc_00050239.

19. Attached hereto as Exhibit 18 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00052738 – 828. Survey results are reported on SamUniloc8_00052801.

20. Attached hereto as Exhibit 19 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00054888 – 933. Survey results are reported on SamUniloc8_000549906-907.

21. Attached hereto as Exhibit 20 is a true and correct copy of a document titled [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and bearing Bates Nos. SamUniloc8_00060824 – 858. Survey results are reported on SamUniloc8_00060837.

22. Attached hereto as Exhibit 21 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00061445 – 537. Survey results are reported on SamUniloc8_00061460.

23. Attached hereto as Exhibit 22 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00061941 – 989. Survey results are reported on SamUniloc8_00061951.

24. Attached hereto as Exhibit 23 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00120582 – 730. Survey results are reported on SamUniloc8_00120686.

25. Attached hereto as Exhibit 24 is a true and correct copy of a document titled [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and bearing Bates Nos. SamUniloc8_00216440 – 505. Survey results are reported on SamUniloc8_00216455.

26. Attached hereto as Exhibit 25 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_0040931 – 1030. Survey results are reported on SamUniloc8_0040943.

27. Attached hereto as Exhibit 26 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00041512 – 577. Survey results are reported on SamUniloc8_0041517.

28. Attached hereto as Exhibit 27 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00043878 – 941. Survey results are reported on SamUniloc8_0043900.

29. Attached hereto as Exhibit 28 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00044509 – 511. Survey results are reported on SamUniloc8_00044509.

30. Attached hereto as Exhibit 29 is a true and correct copy of a document titled [REDACTED] and bearing Bates Nos. SamUniloc8_00137384 – 417. Survey results are reported on SamUniloc00137410.

31. Attached hereto as Exhibit 30 is a true and correct copy of a presentation titled [REDACTED] and bearing Bates Nos. SamUniloc8_00062752 – 776. Survey results are reported on SamUniloc8_00062775.

32. Attached hereto as Exhibit 31 is a true and correct copy of a presentation titled [REDACTED] and bearing Bates Nos. SamUniloc8_00062801 – 831. Survey results are reported on SamUniloc8_00062810.

33. Attached hereto as Exhibit 32 is a true and correct copy of a presentation titled [REDACTED] dated June 2013, which bears Bates Nos. PENDRELL_00015523 – 26.

34. Attached hereto as Exhibit 33 is a true and correct copy of relevant excerpts from the transcript of the Deposition of James Baker, dated January 31, 2020.

35. Attached hereto as Exhibit 34 is a true and correct copy of an email I sent to Aaron Jacobs, counsel for Samsung, on March 10, 2020, advising Mr. Jacobs that Samsung had produced the requested license agreements with the pricing redacted and asking Mr. Jacobs to explain why Uniloc believed the agreements were relevant.

36. On March 11, 2020, prior to the Court's hearing regarding Uniloc's Motion to Compel Production of Licenses and Financial Documents (Dkt. 68), I met and conferred with Mr. Jacobs regarding the issues for this hearing. Mr. Jacobs indicated during our meet and confer that Uniloc would no longer move forward with its request for unredacted copies of the license agreements. Mr. Jacobs did not contend that any of the agreements involved technology that is comparable to the '654 patent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED: April 24, 2020

/s/ Valerie W. Ho
Valerie W. Ho